

JOURNAL OF THE FLORIDA SENATE

Tuesday, April 20, 1971

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

INTRODUCTION

By Senator Karl—

SB 809—A bill to be entitled An act relating to yacht and ship brokers; amending subsections (1) (a) and (1) (d) of section 537.02, Florida Statutes, by expanding the definition of the word "broker" and of the words "yacht and ship"; amending the introductory paragraph to subsection (1) and amending subsection (3) (c) of section 537.03, Florida Statutes, by substituting the word "hearings" for the word "meetings" and by adding the words "other proper and necessary relief"; amending subsections (6), (7) and (10) of section 537.04, Florida Statutes, by requiring that applicants for licenses file fingerprints and by adding the words "prospective buyers" and "prospective buyers prior to action on the broker's bond" and by adding a new subsection to give the division of general regulation another ground to deny a license; amending subsection (5) of section 537.06, Florida Statutes, authorizing the division of general regulation to impose civil penalties against a licensee for violation of a provision of this section; amending subsections (1) and (5) (a) (b) (c) (d) (e) (f) (g) and (h) of section 537.07, Florida Statutes, by providing that each license issued under Chapter 537 shall be effective for one year from date of issuance and by providing for the paying of the renewal fee ten days prior to expiration and by providing that fingerprints accompany applications for renewal and by increasing license fees and by providing for the issuance of a regular salesman's license to the holder of a temporary salesman's license who successfully completes his examination; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Karl—

SB 810—A bill to be entitled An act relating to labor organizations; amending subsection (2) (a) of section 447.04, Florida Statutes, by increasing the license or permit fee of business agents; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil B.

By Senator Karl—

SB 811—A bill to be entitled An act relating to the Florida uniform land sales practice law; amending section 478.021(2) (j) 3., Florida Statutes, by adding additional exceptions to communications addressed to and relating to the account of any persons who have previously executed a contract for the purchase of the subdivider's lands; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Karl—

SB 812—A bill to be entitled An act relating to elevators; amending subsections (2), (5) and (6) of section 399.01, Florida Statutes, to expand the definition of the term "elevator" and to change the date of July 1, 1947 to July 1, 1971; repealing subsection (3) of section 399.02, Florida Statutes; amending section 399.02, Florida Statutes, by adding a new subsection (7) (a) and (b) to provide for the responsibilities of the manufacturer, constructor, contractor and the owner for all elevator installations; amending subsection (6) (b) of section 399.02, Florida Statutes, to substitute the words "hoistway and elevator construction" for the word "equipment"; amending subsections (3) and (7) of section 399.03, Florida Statutes, to change the date of July 1, 1947 to July 1, 1971 and to delete the provisos relating to the standard hoistway entrance protection and car doors and gates and the certificate requirement and the pull out of the governor cable exception; repealing subsections (10) (a) (b) (c), (11), (12), (13) (a) (b), (14) (a) (b) and (15) of section 399.03, Florida Statutes; repealing subsection (5) of section 399.04, Florida

Statutes; amending subsections (1) (b) and (3) of section 399.05, Florida Statutes, to change the permit fees for the erection, removal, changes and repairs of elevators and to prohibit the specific permission allowance; repealing subsection (1) of section 399.06, Florida Statutes; amending subsection (4) of section 399.06, Florida Statutes, to add moving walk and powered lift for sewage pump station and to increase certain annual license fees required for the issuance of a certificate of operation and to delete the elevator in conjunction with one or more fee requirement; amending subsection (5) of section 399.07, Florida Statutes, to provide for additional requirements for the issuance of limited certificates; amending subsections (1) and (3) of section 399.08, Florida Statutes, to delete the requirement that an elevator be tested by the owner thereof and to substitute the word "name" for the word "signature"; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Karl—

SB 813—A bill to be entitled An act relating to the regulation of shorthand court reporting; amending section 457.051, Florida Statutes, to provide that a person shall be exempt from taking the certified shorthand reporter examination if he has been actively and continuously engaged in the practice of shorthand reporting on or before July 1, 1971; amending section 457.11, Florida Statutes, to require that a person be certified by the division of general regulation before engaging in the practice of shorthand court reporting; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator de la Parte—

SB 814—A bill to be entitled An act relating to the department of education; providing for the addition of an educational consultant for the gifted to the division of elementary and secondary education; providing an appropriation for the salary and expenses of said consultant; providing an effective date.

Was read the first time by title and referred to the Committees on Public Schools and Ways and Means.

By Senator de la Parte—

SB 815—A bill to be entitled An act relating to the minimum foundation program for public schools; providing fifty (50) additional exceptional child instruction units for gifted children; appropriating funds for such units for a three (3) year period; providing for administration by the department of education; providing an effective date.

Was read the first time by title and referred to the Committees on Public Schools and Ways and Means.

By Senator de la Parte—

SB 816—A bill to be entitled An act relating to gifted child education programs; creating a council on gifted child education; providing for the membership, duties, and functions of the council; providing for the award of scholarships to certain persons for gifted child education programs; providing qualifications for persons who receive such scholarships; providing a method of repayment for scholarship holders; providing an appropriation; providing an effective date.

Was read the first time by title and referred to the Committees on Governmental Efficiency and Ways and Means.

By Senator Reuter—

SB 817—A bill to be entitled An act relating to insuring school students engaged in athletic activities against injury; amending section 232.43, Florida Statutes, to provide that all boards of public instruction in this state shall formulate and conduct plans to provide, and shall provide, major medical insurance coverage in the minimum amount of \$10,000.00 with \$750.00 maximum deductible to each student participating in athletic activities conducted or sponsored by the schools under

the jurisdiction of such boards; authorizing the board to accept donations to pay for such coverage; providing an effective date.

Was read the first time by title and referred to the Committees on Public Schools and Ways and Means.

By Senator Reuter—

SB 818—A bill to be entitled An act relating to taxation; amending subsection 167.431(1), Florida Statutes, relating to the grant of authority to municipalities to levy a municipal tax upon utility services; providing a requirement for uniform rate of tax; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Haverfield—

SB 819—A bill to be entitled An act relating to public officers and employees; amending §112.12, Florida Statutes, to provide for authorizing payment of life insurance premium; providing an effective date.

Was read the first time by title and referred to the Committees on Governmental Efficiency and Ways and Means.

By Senator Haverfield—

SB 820—A bill to be entitled An act relating to Florida retirement system; amending §121.021(29), Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

By Senator Gunter—

SB 821—A bill to be entitled An act relating to retirement; amending subsection (29) of section 2 of chapter 70-112, Laws of Florida, appearing as §121.021(29), Florida Statutes, 1970 Supplement; removing the requirement that years of creditable service spent in the employ of the state be continuous in order to qualify for retirement benefits; providing an effective date.

Was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

By Senator Gunter—

SJR 822—A joint resolution proposing an amendment to Article III and to Sections 1, 2, and 5 of Article XI of the State Constitution providing for a unicameral legislature and altering the composition of the constitution revision commission; adding a new section to the schedule, Article XII, to provide an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senators Plante, Daniel, Deeb, Gunter, Hollahan, Wilson, Horne, Gong, Henderson, Reuter, Sayler, Lane, Johnson (34th), Poston, Bell, Johnson (29th), Trask, Haverfield, Lewis (43rd), Myers, Lewis (33rd), Barrow, Barron and Pope—

SB 823—A bill to be entitled An act relating to the blind and visually handicapped; amending §413.08, Florida Statutes, to provide that the blind shall have equal privileges in all places of public accommodation; allowing the blind to be accompanied by a guide dog in all places of public accommodation without extra charge; providing that it shall be a misdemeanor offense for any person or corporation to deny admittance to a public facility to a blind or visually handicapped person; requiring equal access for blind or visually handicapped persons as renters, lessors or purchasers of housing accommodations; providing an effective date.

Was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

By Senator Poston—

SJR 824—A joint resolution proposing an amendment to Section 22 of Article V of the Constitution of the State of Florida by changing the minimum number of jurors required in the trial of any cause in any court.

Was read the first time by title and referred to the Committee on Judiciary—Civil A.

By Senators Sayler, Lewis (33rd), Johnson (29th), Poston and Deeb—

SB 825—A bill to be entitled An act relating to the Florida Intracoastal Waterway; adding subsections (16) and (17) to §371.021, Florida Statutes, providing definitions; creating §371.523, Florida Statutes, establishing a uniform system of navigational signs and boat regulations within the rights-of-way of such waterway; providing that the department of natural resources shall be the regulatory agency for the purposes of this act; providing penalties; amending §371.59, Florida Statutes, to prohibit regulation of boats along such waterway by local ordinances; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation.

By Senator Karl—

SB 826—A bill to be entitled An act relating to the division of hotels and restaurants of the department of business regulation; amending section 509.251(1), Florida Statutes, to change the license fee structure of public lodging establishments from a room count basis to a rental unit basis; providing for the rental unit fee; amending section 205.251(1), Florida Statutes, to change the occupational license fee count from a room count basis to a rental unit basis; providing for the rental unit fee; providing an effective date.

Was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Karl—

SB 827—A bill to be entitled An act relating to the sale of securities; amending §517.06(10) and (16)(a), Florida Statutes, relating to certain exempt transactions; deleting the requirement that a corporation be incorporated or a trust or partnership organized under the laws of Florida; permitting the payment of commissions to registered dealers and salesmen; adding as an exempt transaction securities for which a registration statement has been filed with the securities and exchange commission; amending §517.08, Florida Statutes, authorizing registration by coordination and substituting it for registration by notification; establishing filing requirements, fees, and certain rule making authority in conjunction therewith; amending §517.09(1) and (5), Florida Statutes, authorizing the department to fix maximum discounts, commissions, expenses, remuneration, and other compensation to be paid for securities registered by qualification; amending §517.091, Florida Statutes, establishing procedures and fees for registration by announcement; amending §517.10(1), Florida Statutes, substituting registration by coordination for registration by notification and adding registration by announcement to consent to service of process; amending subsection (6) of §517.12, Florida Statutes, and adding subsection (9) thereto, providing an exception to the expiration of registration of dealers and salesmen who register between November 1 and December 31 of any year; deleting provisions for half year fees; authorizing the department to examine dealer records and to prescribe rules for records to be maintained; amending §517.13, Florida Statutes, conforming the dealer bond provisions to the exception to the expiration of annual registrations; repealing §517.21(3), Florida Statutes, relating to registration by notification; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Saunders—

SB 828—A bill to be entitled An act relating to pollution control; creating a division of environmental services within the department of air and water pollution control; establishing the powers of the division of environmental services; authorizing statewide waste purification and disposal services; providing for service regions for projects of wastewater purification and solid waste disposal; authorizing the issuance and sale of revenue bonds; providing an effective date.

Was read the first time by title and referred to the Committees on Natural Resources and Conservation and Governmental Efficiency.

By Senator Weissenborn—

SB 829—A bill to be entitled An act for the relief of Ray B. Bradley providing an appropriation; providing an effective date.

Was read the first time by title and referred to the Committees on Personnel, Retirement and Claims and Ways and Means.

By Senator Weissenborn—

SB 830—A bill to be entitled An act relating to fire safety in public lodgings; creating 509.303, Florida Statutes, providing that fire safety regulations for institutional occupancy, as defined in pamphlet 101 (Life Safety Code, Standard 1970 edition) of The National Fire Protection Association shall apply to all public lodgings of two or more stories that are inhabited by four (4) or more persons incapable of self-preservation; providing for inspection and enforcement by the division of hotels and restaurants and the division of the state fire marshal; providing for waiver and extension of time with reference to compliance with fire regulations; requiring division of state fire marshal to determine applicability of section to public lodgings; providing that compliance herewith is a condition for licensing of all public lodgings governed hereunder, providing for an appropriation; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

The Senate recessed at 8:35 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—46:

Mr. President	Deeb	Karl	Saunders
Arnold	de la Parte	Knopke	Saylor
Barron	Ducker	Lane	Scarborough
Barrow	Fincher	Lewis (33rd)	Stolzenburg
Beaufort	Gong	Lewis (43rd)	Trask
Bell	Graham	McClain	Ware
Bishop	Gunter	Myers	Weber
Boyd	Haverfield	Ott	Weissenborn
Brantley	Henderson	Plante	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	

Excused: Senators Brannen and Horne.

Prayer by Senator Karl:

Father, as we begin our deliberations we pause briefly and turn our thoughts to you.

We acknowledge our weaknesses, our shortcomings and our transgressions. We ask your forgiveness for them and we resolve to start again our efforts toward the goal of a better way of life.

We thank you for the many blessings of the past. Each of us has been the recipient of your generosity. We each acknowledge that the talent and ability which makes possible our election and effective service in this Senate comes from you. And we are grateful.

We ask your help and your guidance in the future. Each one of us stands in need. Each has his own problem—his own cross to bear. Lighten our burdens or give us the strength to persevere.

And in our deliberations sharpen our wit, make us articulate and intensify our consciences so that we may know what is right and pleasing to you and be able to take that position and explain it with confidence and sincerity.

And finally Father, please continue your watchfulness over all of those in roles of leadership. Teach them to lead us to peace. Amen.

The Senate pledged allegiance to the flag of the United States of America.

The Journals of April 19 and 16 were corrected and approved.

The Journal of April 15 was corrected and approved as follows:

Page 113, column 1, line 5, strike "certified to the House" and insert: ordered engrossed

REPORTS OF COMMITTEES

The Committee on Transportation recommends the following pass:

SB 389	SB 397 with 1 amendment
SB 390 with 5 amendments	SB 399 with 2 amendments
SB 392 with 1 amendment	SB 421
SB 393 with 3 amendments	SB 472 with 1 amendment
SB 394 with 1 amendment	SB 481 with 2 amendments
SB 396	SB 709

The Committee on Judiciary—Criminal recommends the following pass:

SB 493	SB 497	SB 685
SB 494	SB 684	SB 351 with 7 amendments
SB 495		

The Committee on Personnel, Retirement and Claims recommends the following pass: SB 403, SB 449 and 1 amendment, SB 567 with 2 amendments

The Committee on Judiciary—Civil A recommends the following pass: SB 309, SB 335

The Committee on Judiciary—Civil B recommends the following pass:

SB 371	SB 38 with 2 amendments
SB 172 with 1 amendment	SB 92 with 1 amendment
SB 377	SB 121 with 1 amendment
SB 244	SB 625 with 2 amendments

The Committee on Commerce recommends the following pass:

SB 573 with 1 amendment	SB 708 with 2 amendments
SB 700	SB 704 with 2 amendments
SB 714	SB 705
CS for HB's 177 and 248	

The Committee on Natural Resources and Conservation recommends the following pass:

SB 240 with 2 amendments	SB 522 with 1 amendment
SB 336	SB 562 with 1 amendment

The Committee on Agriculture recommends the following pass: House Bills 493, 494, 607

The Committee on Public Schools recommends the following pass: SB 698 with 1 amendment, SB 683, SB 676

The Committee on Governmental Efficiency recommends the following pass:

HB 693	SB 407 with 2 amendments
HB 932	SB 686
SB 530	SB 208 with 2 amendments

The bills contained in the foregoing reports were placed on the Calendar.

The Committee on Judiciary—Criminal recommends the following pass: SB 479

The Committee on Transportation recommends the following pass: SB 488 with 1 amendment, SB 529 with 1 amendment

The Committee on Personnel, Retirement and Claims recommends the following pass: SB 629

The Committee on Natural Resources and Conservation recommends the following pass: SB 673

The Committee on Agriculture recommends the following pass: SB 519, SB 520

The Committee on Governmental Efficiency recommends the following pass: SB 467

The Committee on Personnel, Retirement and Claims recommends the following pass: SB 251 with 1 amendment

The Committee on Public Schools recommends the following pass: SB 661 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Transportation recommends the following pass: SB 398 with 1 amendment

The Committee on Commerce recommends the following pass: SB 713 with 3 amendments, SB 662 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Efficiency under the original reference.

The Committee on Judiciary—Civil B recommends the following pass: SJR 380

The bill was referred to the Committee on Public Schools.

The Committee on Health, Welfare and Institutions recommends the following pass: SB 345 with 4 amendments

The bill was referred to the Committee on Judiciary—Criminal under the original reference.

The Committee on Agriculture recommends a Committee Substitute for the following: SB 414

The Committee on Judiciary—Criminal recommends a Committee Substitute with 1 amendment for the following: SB 105

The Committee on Judiciary—Criminal recommends a Committee Substitute for the following: Senate Bill 229 by Senator Arnold, (Senate Bill 658 by Senator Johnson (29))

The Committee on Judiciary—Criminal recommends a Committee Substitute for the following: SB 525

The Committee on Judiciary—Civil A recommends a Committee Substitute for the following: SJR 113

The Committee on Judiciary—Civil A recommends a Committee Substitute for the following: SCR 558 (together with SCR 516, HCS for HCR 712, HM 720, HCR 729 and HCR 730)

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the Calendar.

The Committee on Universities and Community Colleges recommends a Committee Substitute for the following: SB 311

The bill with Committee Substitute attached was referred to the Committee on Judiciary—Criminal under the original reference.

The Committee on Agriculture recommends a Committee Substitute for the following: SB 419

The Committee on Agriculture recommends a Committee Substitute for the following: SB 417

The Committee on Agriculture recommends a Committee Substitute for the following: SB 416

The Committee on Personnel, Retirement and Claims recommends a Committee Substitute for the following: SB 97 and SB 136

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Judiciary—Criminal recommends the following not pass: SB 502

The Committee on Judiciary—Civil B recommends the following not pass: SB 95

The Committee on Judiciary—Civil A recommends the following not pass: SB 258, SB 266

The Committee on Commerce recommends the following not pass: SB 461, SB 702

The Committee on Transportation recommends the following not pass: SB 388, SB 696

The bills contained in the foregoing reports were laid on the table.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred SB 36 with 2 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bill was placed on the Calendar of bills on third reading.

Your Engrossing Clerk to whom was referred SB 134 with 3 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bill was certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Daniel, by two-thirds vote, SB 95 was removed from the table, the unfavorable report of the Committee to the contrary notwithstanding, and recommitted to the Committee on Judiciary—Civil B.

Senator Daniel announced the cancellation of the meeting of the Committee on Judiciary—Civil B this day due to the illness of the chairman.

On motion by Senator Karl, the committee on Commerce was granted an additional 15 days for the consideration of Senate Bills 106, 109, 110, 111, 155, 194, 202, 205, 231, 320, 322, 328, 436, 448, 463, 464, 471, 489 and 563.

On motion by Senator Daniel, the Committee on Judiciary—Civil B was granted an additional 15 days for the consideration of Senate Bills 150, 24, 46, 85, 146, 179, 273, 331, 368, 381, 415, 423, 426, 427, 428, 431, 437, 450, 468, 469, 474, 486, 500, 501, 571 and 95.

On motion by Senator Bishop, the Committee on Agriculture was granted an additional 7 days for the consideration of SB 69.

On motion by Senator Scarborough, the Committee on Personnel, Retirement and Claims was granted an additional 14 days for the consideration of Senate Bills 238, 459, 7, 142, 252, 385, 591, 600 and 329.

On motion by Senator Scarborough, by two-thirds vote, SB 667 was withdrawn from the Committee on Transportation and from further consideration of the Senate.

On motion by Senator Hollahan, the Committee on Rules, Calendar, Privileged Business and Ethics was granted an additional 15 days for the consideration of Senate Bills 16, 34, 75, 80, 166, 207, 243, 245, 260, 261, 308, 310, 313, 314, 315, 460, 531, 601, 634 SF, 635 and Senate Joint Resolutions 86 and 154.

On motion by Senator Knopke, the Committee on Natural Resources and Conservation was granted an additional 14 days for the consideration of Senate Bills 96, 250, 259, 291, 325, 327, 342, 453, 473, 483, 515 and 527, and SM 299.

On motion by Senator Myers, the Committee on Health, Welfare and Institutions was granted an additional 15 days for the consideration of Senate Bills 43, 84, 94, 112, 135, 143, 167, 182, 200, 219, 220, 270, 271, 275, 303, 305, 361, 363, 395, 401, 429, 438, 496, 528, 566, 609, 622, 630, 631, 632 and 633.

On motion by Senator Myers, by two-thirds vote, SB 687 was withdrawn from the Committee on Health, Welfare and Institutions.

On motion by Senator Plante, by two-thirds vote, SB 590 was withdrawn from the Committee on Judiciary—Criminal and from further consideration of the Senate.

On motion by Senator Karl, by two-thirds vote, SCR 762 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics.

On motion by Senator Karl, unanimous consent was obtained to take up out of order—

SCR 762—A concurrent resolution proposing that the Florida Legislature designate the week of April 18 as Library Week, designate the 21st day of April as Library Day, commending those who give their time and effort in behalf of libraries throughout Florida, and urging public support of the State's libraries.

WHEREAS, the Legislature of the State of Florida is concerned with the quality of life of the citizens of the State, and

WHEREAS, the State is continuing to experience substantial growth in every aspect of human endeavor, and

WHEREAS, a vital service to the citizens of Florida is being performed by the State's libraries and by all institutions and individuals whose primary role is in the storage, retrieval and dissemination of information, and

WHEREAS, the week of April 18 is recognized as National Library Week throughout the United States, and

WHEREAS, the 21st day of April has been selected as Library Day throughout Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the week of April 18, 1971, be designated Library Week, and

Be It Further Resolved, that the 21st day of April, 1971, be designated as Library Day throughout the State of Florida, and

Be It Further Resolved, that the Legislature of the State of Florida hereby commends the various boards, councils, commissions and their members throughout the State who give their time and effort to provide essential services which contribute to the quality of life for all Floridians through better libraries and all citizens of the State are urged to support their endeavors.

Which was read the second time in full. On motion by Senator Karl, SCR 762 was adopted.

On motion by Senator Karl, by two-thirds vote, SCR 762 was immediately certified to the House.

On motion by Senator Ducker, by two-thirds vote, SB 356 was withdrawn from the Committee on Vocational-Technical Education and from further consideration of the Senate.

On motion by Senator Barron, the Committee on Judiciary—Civil A was granted an additional 15 days for the consideration of SB 42 and SJR 184.

On motion by Senator Henderson, by two-thirds vote, SCR 477 was withdrawn from the Committee on Judiciary—Criminal and from further consideration of the Senate.

On motion by Senator Henderson, by two-thirds vote, SB 249 was removed from the Calendar and from further consideration of the Senate.

Senator Poston moved that the Committee on Transportation be granted an additional 14 days for the consideration of Senate Bills 40, 391, 67, 173 and 221.

Senator Lane raised a point of order that SB 221 be withdrawn from the Committee on Transportation pursuant to Rule 2.12, this date being the 15th calendar day from day of reference. The President stated that Rule 2.12 provides "Every bill, joint resolution, and memorial referred to a standing committee shall be reported to the Secretary before 4:30 p.m. of the fifteenth (15th) calendar day from the day of reference . . ." and ruled the point not well taken as the committee had until 4:30 p.m. this day to file a report.

Senator Poston moved that the Committee on Transportation be granted an additional 10 days for the consideration of SB 221. The motion failed.

The question recurred on the motion for an extension of 14 days for the consideration of Senate Bills 40, 391, 67 and 173, and the motion was adopted.

Senator Hollahan moved that SB 241 be removed from the Calendar and referred to an appropriate committee. The motion was adopted by the following vote:

Yeas—27

Arnold	Childers	Lane	Reuter
Barron	Daniel	Lewis (33rd)	Saunders
Beaufort	Fincher	McClain	Stolzenburg
Bell	Gunter	Myers	Trask
Bishop	Haverfield	Ott	Weber
Boyd	Hollahan	Pope	Wilson
Brantley	Karl	Poston	

Nays—14

Mr. President	Gong	Lewis (43rd)	Weissenborn
Deeb	Graham	Plante	Williams
de la Parte	Henderson	Sayler	
Ducker	Johnson (29th)	Ware	

SB 241 was recommitted to the Committee on Natural Resources and Conservation.

Senator Pope raised a point of order that SB 757 affects appropriations and should be also referred to the Committee on Ways and Means, pursuant to Rule 4.6. The President requested Senator de la Parte to examine the bill and advise the Chair.

On motion by Senator Broxson, the Committee on Public Schools was granted an additional 15 days for the consideration of Senate Bills 132, 157, 316, 408, 470, 344, 378, 560 and 561.

Senator Ott moved that SB 158 be removed from the Calendar and referred to an appropriate committee. The motion was adopted by the following vote:

Yeas—25

Arnold	Childers	Karl	Saunders
Barron	Daniel	Knopke	Trask
Barrow	de la Parte	Lewis (43rd)	Weissenborn
Beaufort	Graham	Myers	Williams
Boyd	Gunter	Ott	
Brantley	Haverfield	Pope	
Broxson	Hollahan	Poston	

Nays—19

Mr. President	Henderson	McClain	Stolzenburg
Bell	Johnson (29th)	Plante	Ware
Deeb	Johnson (34th)	Reuter	Weber
Ducker	Lane	Saylor	Wilson
Fincher	Lewis (33rd)	Scarborough	

SB 158 was recommitted to the Committee on Judiciary—Criminal.

On motion by Senator Daniel, the Committee on Governmental Efficiency was granted an additional 15 days for the consideration of Senate Bills 457, 482, 485, 490, 514, 360, 410, 282, 283, 288, 295, 307, 339, 180, 215, 236, 269, 91, 144, 151, 159, 165, 11 and SJR 59.

Pursuant to Rule 4.6, a point of order was called by Senator de la Parte, and Senate Bills 7, 142 and 385 were also referred to the Committee on Ways and Means.

The President announced the appointment of Senator Haverfield as a member of the Committee on Judiciary—Civil B to fill the vacancy created by Senator Brannen's excused absence from the Senate.

On motion by Senator Hollahan, the Senate proceeded to the consideration of—

EXECUTIVE BUSINESS

By direction of the President, the Secretary read the following communications and Executive Orders:

REGISTERED—RETURN RECEIPT REQUESTED

November 23, 1970

Honorable James H. Boyd
Supervisor of Elections
Brevard County Courthouse
Titusville, Florida

Dear Mr. Boyd:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated November 23, 1970.

With kind regards, I remain

Sincerely,
TOM ADAMS
Secretary of State
By
(Mrs.) Dorothy W. Glisson
Chief, Bureau of Elections

DG/pc
Enclosure

cc: Honorable Earl Faircloth
Attorney General
Honorable Edwin G. Fraser
Secretary of the Senate

ORDER OF SUSPENSION

WHEREAS, James H. Boyd is presently serving as Supervisor of Elections in Brevard County, Florida, and

WHEREAS, the Grand Jury of the Eighteenth Judicial Circuit in and for Brevard County, Florida, has inquired into allegations of irregularities in the operation of the Office of Supervisor of Elections in Brevard County, Florida, and

WHEREAS, on November 13, 1970, the Grand Jury of the Eighteenth Judicial Circuit in and for Brevard County, Florida, completed its inquiry and furnished this office with a copy of

its report which is attached hereto and incorporated herein as follows:

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD COUNTY,
FLORIDA.

INTERIM GRAND JURY REPORT

That during the Grand Jury sessions outlined in the following report, a quorum of at least Fifteen (15) members were present at all times.

INTRODUCTION

This Grand Jury was impaneled on October 19, 1970, by the Honorable Roger F. Dykes, Circuit Judge for the Eighteenth Judicial Circuit, in and for Brevard County, Florida, and the members hereof have taken an oath to make diligent inquiry into the charges given it by the Court.

Pursuant to that responsibility, the Grand Jury has been asked to inquire into allegations of irregularities in the operation of the Office of Supervisor of Elections in Brevard County, Florida.

This Grand Jury has been advised as to its authority to inquire into and report on this matter by ABBOTT M. HERRING, State Attorney for the Eighteenth Judicial Circuit, in and for Brevard County, Florida, and would include herein a brief statement of the legal authority for this report. Grand juries are charged with the duty of investigating county offices, buildings, institutions, and officers, and to make due presentment concerning their physical, sanitary and general condition. If a grand jury in the course of its investigation of general public affairs finds that neglect or ineptitude are responsible for undesirable conditions, they may so report, even though their report incidentally points to an official or officials as responsible for the conditions. With the above authority in mind, it is the duty of the grand jury in investigating matters relating to the public health, welfare and morals, not to single out a public official for censure or reprobation, but to report on specific matters which lead the grand jury to conclude that that public official has not performed or is not performing his duties in accordance with the laws of the State of Florida and in the interest of the public welfare.

This Grand Jury has delved fully and impartially into the allegations of irregularities respecting the Office of Supervisor of Elections. The Grand Jury has been in session for Six (6) days with regard to the inquiry herein, and, during that period, has devoted its full attention to this matter.

Recognizing that the Supervisor of Elections of Brevard County, Florida, hereinafter referred to as the Supervisor, is an elected public official, and the gravity of the charges made against him, the Grand Jury feels that only a full review of the operation of the office of Supervisor of Elections will serve the ends of justice to all involved. Furthermore, this Grand Jury feels that the right to vote is one of our most precious rights, and, in order to ensure that this right is not endangered, has undertaken a thorough examination to determine whether any public official or employee has failed to carry out his sworn duties in this regard under the Constitution and laws of the State of Florida.

NATURE OF THE CHARGES

I. It is alleged that the Supervisor has failed and refused to properly discharge his duties under the election laws of the State of Florida.

II. It is alleged that the Supervisor has demonstrated gross incompetence in the administration and conduct of his office.

TESTIMONY AND EXHIBITS

I. Testimony. The Grand Jury heard testimony from the following persons:

Mr. Louis C. Morehead, Jr., County Candidate
 Mrs. Beverly Del Hancock, Deputy Chief
 Mr. George Elmer Partlow, Warehouse Custodian
 Mrs. Jean Ellen Talton, Former Deputy Chief
 Mrs. Edna Carlisle, Former Supervisor of Elections
 Mrs. Carol Jean Kee, Election Clerk
 Mrs. Wanda L. Knight, Election Inspector
 Mrs. Marcia Rae Sevy, Election Inspector
 Mrs. Helen T. Berthram, Election Clerk
 Mr. Curtis Barnes, Clerk of Circuit Court
 Mr. Franklin F. Slope, Retired Orange County Shop Repairman
 Mr. Michael Allen Manning, Deputy Registrar
 Mrs. Lois Cullen, Deputy Registrar
 Mrs. Arlene Harris, Deputy Registrar
 Mrs. June Dixon, Deputy, Supervisor of Elections Office, Rockledge Branch Courthouse
 Mr. Jack Hurst, Chairman of Brevard County Commissioners
 Mrs. Wanda Queen, Deputy Registrar
 Miss Judy Roberts, Secretary, Supervisor of Elections Office

II. Exhibits. The Grand Jury has reviewed the following exhibits:

Protest of Elections Returns to Circuit Court (October 2, 1970).

Sample: supply package to election workers.
 Shoup Voting Machine Contract with County.
 Written complaints noted by poll workers and repairman.
 List of precinct discrepancies noted by clerks/inspectors.
 Florida Election Report (Vol. I, No. X).
 Primary and General Election Instructions.
 List of qualifying candidates.
 Letter dated June 30, 1969, from Director of Elections Division.
 Poll watchers list (Prec. 12).
 Poll watchers tally sheets (Prec. 12).
 Compilation of Election Laws.

FINDINGS OF FACT

I. Matters relating to the election laws.

A. Schools of instruction.

Office of the Supervisor of Elections failed to conduct a school of instruction prior to the Second Primary as required by State Statutes. Also the Grand Jury found evidence to support a belief the schools of instruction conducted by the Supervisor's Office prior to the First Primary and the General Election were inadequate. Clerks and Inspectors reported that one school consisted of a roll call and handing out a sheet of instructions. Certificates of Completion were not provided to Clerks and Inspectors as provided by law. This constitutes violation of Florida Statutes 101.35 and Florida Statutes 102.012.

B. Supervisor of Elections, permitted changes in party affiliation by mail contrary to Florida Statutes 97.111 and contrary to an interpretation of Florida Statutes 97.111 furnished his office by the Secretary of State.

C. Registration Cards, by direction of the Supervisor of Elections, were issued using mailing addresses instead of residence addresses as required by Florida Statutes 97.071.

D. Florida Statutes were not complied with in the handling of the voting machines before, during and after the General Election.

(1) Machines were not available for inspection by party members at the time and date specified in a newspaper advertisement setting time and date for such inspection as required by Florida Statutes 101.35.

(2) Voting machine mechanics have been performing functions as deputy custodians without being qualified according to Florida Statutes 101.35 (1).

(3) Machine keys were not returned in sealed envelopes to the office of the Supervisor of Elections as provided in Florida Statutes 101.47 (5).

(4) Voter identification slips were not signed in pen or indelible pencil as provided by Florida Statutes 101.47. This practice has been in effect for many years but is contrary to the Statutes.

(5) Voter identification slip containers provided were not sealable as provided in Florida Statutes 101.47.

(6) Voting machines in at least one precinct were found to be unlocked prior to the opening of the poll for the General Election, the registration books and supplies having been unsecured during the three to four days the machines had been left in the public polling place. This is a violation of Florida Statutes 101.47 (13).

(7) One machine was found with 47 votes showing on the public counter when the poll opened, indicating inadequate inspection per Florida Statutes 101.35.

(8) Canvassing Board, after first primary, found unsealed key envelopes and unlocked machines in warehouse contrary to Florida Statutes 101.38. Machine keys were not returned in sealed envelopes to the office of the Supervisor of Elections as required by Statutes.

(9) The Grand Jury had numerous complaints that inspectors did not compare identification slip signatures with registration books and that identification slips were pre-signed by inspectors prior to signature by voter, contrary to Florida Statutes 101.28.

(10) Voting machines were difficult to operate during the General Election. Testimony indicated this could have been caused by a lack of sufficient time for the mechanics to set up and check out machines properly.

E. Absentee ballots were not mailed out in time to allow a reasonable time for voters to return ballots to the office of the Supervisor prior to election day.

F. Personnel living on Patrick Air Force Base were registered in a precinct lying within the Port Canaveral Port Authority District although they lived outside the geographic confines of the District.

G. That the Supervisor of Elections registered a serviceman who did not meet the residence requirements of one year in the State and six months in the County.

H. That the Supervisor of Elections attempted to persuade candidates to withdraw from the precinct committeeman race after he failed to include their names on the ballot. This constitutes violation of Florida Statutes 104.31 (a)

II. General Office inefficiency.

The Grand Jury has heard testimony relating almost interminable details regarding the inefficient manner in which the Supervisor's office is now conducted.

Employee morale appears to be very low. County officials indicate the Supervisor of Elections is almost impossible to deal with.

Despite an excess of Twenty months in office, the Supervisor of Elections appears to have very little knowledge of the Statutes and exhibits a tendency to interpret the statutes contrary to the interpretation of his deputies and of the Secretary of State's Office.

CONCLUSIONS

In view of the aforementioned allegations and findings of fact, this Grand Jury makes the following conclusions:

I. That the conduct of the Supervisor of Elections of Brevard County, Florida, constitutes misfeasance and neglect of duty respecting the operation of his office under the election laws of the State of Florida.

II. That the conduct of the Supervisor of Elections of Brevard County, Florida, constitutes gross incompetence in the administration and conduct of his office.

III. That the Supervisor of Elections of Brevard County, Florida, has demonstrated lack of proper, efficient and reasonable office personnel policies and office management practices and has displayed conduct constituting neglect of duty, incompetence and inability to perform his official duties.

IV. That although many of the election law infractions cited above are, in and of themselves, minor in nature, the widespread occurrence thereof is indicative of a grave lack of control in the conduct of elections and a definite threat to the franchise rights of the electors of Brevard County, Florida. The Supervisor, although inexperienced at the time of taking office, had in excess of Twenty months to become familiar with the statutory requirements of his office prior to the recent primary and general elections. In the opinion of the Grand Jury, this provided ample time to become familiar with these requirements and become competent in the administration of elections and the office of Supervisor. Therefore, knowledge obtained during this period could have been applied to avoid the improper practices found during this investigation.

V. That the Supervisor of Elections of Brevard County, Florida, has demonstrated a singular lack of ability to communicate, cooperate and coordinate with other public officials, and with the members of his staff, in the fulfillment of the requirements of his office.

RECOMMENDATIONS

Having fully reported its investigation of the allegations contained herein, we, the members of the Brevard County Grand Jury hereby make the following recommendations:

I. That the Governor of the State of Florida exercise his authority under Article IV, Section 7, of the Constitution of the State of Florida, and related statutes, to suspend the Supervisor of Elections of Brevard County, Florida, and to appoint a qualified person to fill the office so vacated until such time as the Senate of the State of Florida can act upon the suspension.

II. That despite the extent of the statutory violations herein, the return of criminal indictments is not warranted.

III. That, in the interest of preserving and maintaining the voting machines in proper working order, proper storage and maintenance should be provided. To this end, the Grand Jury recommends that Brevard County assume the maintenance function using trained civil service personnel, and provide dehumidified or air conditioned facilities for machine storage. Also, the Grand Jury recommends that consideration be given to printing county ballots within the county to provide more positive control thereof.

IV. That the State Attorney is requested to prepare on behalf of this Grand Jury, a letter to the appropriate authorities setting forth the recommendations of this Grand Jury, and appending thereto a copy of this Report.

NORMAN R. KEEGAN
Foreman of the Grand Jury
FREDERICK L. HELLER
Vice-Foreman of the Grand Jury
CLAUDIA KOWAL
Clerk of the Grand Jury
ABBOTT M. HERRING
State Attorney for the
Eighteenth Judicial Circuit

and,

WHEREAS, as a result of the Grand Jury's report, I find that these facts sufficiently reflect misfeasance, neglect of duty and incompetency in office, and

WHEREAS, I find that the interests of the citizens of Brevard County, Florida, would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., Governor of the State of Florida, by virtue of the power and authority vested in me by Section 7, Article IV of the Constitution of Florida, do hereby suspend the said James H. Boyd from the Office of Supervisor of Elections in Brevard County, Florida, on the grounds of misfeasance, neglect of duty and incompetency in office, as reflected by the report of the Grand Jury of the Eighteenth Judicial Circuit in and for Brevard County, Florida, and, because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said James H. Boyd is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 23 day of November, 1970.

CLAUDE R. KIRK, JR.
Governor

ATTEST:

TOM ADAMS
Secretary of State

REGISTERED—RETURN RECEIPT REQUESTED

March 1, 1971

Honorable O. D. Huff, Jr.
Post Office Box 208
McIntosh, Florida

Dear Mr. Huff:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated February 26, 1971.

With kind regards, I remain

Sincerely,
RICHARD (DICK) STONE
Secretary of State
By
(Mrs.) Dorothy W. Glisson
Director
Division of Elections

DG/pc

Enclosure

cc: Honorable Robert L. Shevin
Attorney General
Honorable Elmer O. Friday, Jr.
Secretary of the Senate

ORDER OF SUSPENSION

WHEREAS, O. D. Huff, Jr., is presently serving as a member of the Florida Citrus Commission (Department of Citrus), and

WHEREAS, information has been presented to me and I find that the said O. D. Huff, Jr., and others, did on March 15, 1968, unlawfully conspire, combine, confederate and agree to commit offenses against the laws of the State of Florida, to-wit: to violate Section 811.021 of the Florida Statutes pertaining to larceny and to violate Sections 831.011 and 831.022 of the Florida Statutes pertaining to perjury, and

WHEREAS, information has been presented to me and I find that the said O. D. Huff, Jr., and others, did on April 10, 1968, January 6, 1969, and June 26, 1969, unlawfully and feloniously take, steal and carry away by color or aid of fraudulent or false representation, pretense or by false token or writing, moneys, goods or chattels, things in action or

articles of the value of more than \$100, good and lawful money of the United States of America, the property of the State of Florida, contrary to Section 811.021(2), Florida Statutes, and

WHEREAS, information has been presented to me and I find that the said O. D. Huff, Jr., and others, did on March 15, 1968, June 17, 1968, November 22, 1968, June 3, 1969, December 11, 1969 and October 22, 1970, unlawfully, feloniously and falsely make, alter, forge and counterfeit certain public records, orders, acquittances, or discharges for moneys or other property or acceptances of bills for the payment of moneys with intent then and there to injure and defraud, contrary to Section 831.01, Florida Statutes, and

WHEREAS, information has been presented to me and I find that the said O. D. Huff, Jr., and others, did on March 27, 1968, November 22, 1968, June 3, 1969, June 18, 1969, and January 8, 1970, unlawfully, feloniously and falsely alter and publish as true to the Florida Citrus Commission false, forged, altered and counterfeited instruments, certain public records, orders, acquittances or discharges for moneys or other property or acceptances of bills for the payment of money, knowing same to be false, forged, altered and counterfeited with intent to injure and defraud, contrary to Section 831.02, Florida Statutes, and

WHEREAS, the Grand Jury of the Tenth Judicial Circuit of Florida in and for Polk County, did, on February 24, 1971, return an Indictment against the said O. D. Huff, Jr., and others, charging him with Conspiracy to Commit a Felony (1 Count), Forgery (3 Counts), Uttering a Forged Instrument (5 Counts), and Grand Larceny (3 Counts), and

WHEREAS, as a result of the foregoing information presented to me and the Indictment mentioned above, I find that these facts sufficiently reflect malfeasance, misfeasance, neglect of duty, incompetency in office and commission of a felony, and

WHEREAS, I find that the interest of the citizens of the State of Florida would best be served by this executive act;

NOW, THEREFORE, I, Reubin O'D. Askew, Governor of the State of Florida, by virtue of the power and authority vested in me by Section 7, Article IV of the Constitution of Florida, do hereby suspend the said O. D. Huff, Jr. from the Office of Member, Florida Citrus Commission (Department of Citrus), on the grounds of malfeasance, misfeasance, neglect of duty, incompetency in office and commission of a felony as reflected by the information presented to me and the Indictment returned by the Grand Jury of the Tenth Judicial Circuit in and for Polk County, Florida, and because of such, it would be improper for the said O. D. Huff, Jr. to continue to perform the responsibilities of his office. Therefore, the said O. D. Huff, Jr. is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida, this 26th day of February, 1971.

REUBIN O'D. ASKEW
Governor

ATTEST:

RICHARD (DICK) STONE
Secretary of State

REGISTERED—RETURN RECEIPT REQUESTED

Honorable Leroy Johnson
Route 5, Box 253-K
Milton, Florida

January 20, 1971

Dear Mr. Johnson:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated January 20, 1971.

With kind regards, I remain

Sincerely,
RICHARD (DICK) STONE
Secretary of State
By
(Mrs.) Dorothy W. Glisson
Director
Division of Elections

DG/pc

Enclosure

cc: Honorable Robert L. Shevin
Attorney General
Honorable Elmer O. Friday, Jr.
Secretary of the Senate

ORDER OF SUSPENSION

WHEREAS, Leroy Johnson is presently serving as a County Commissioner of Santa Rosa County, Florida, and

WHEREAS, I have been officially advised that the Grand Jury of the First Judicial Circuit in and for Santa Rosa County, Florida, on January 14, 1971, returned an Indictment against the said Leroy Johnson, charging him with malfeasance in office in that he corruptly attempted to influence Leon Hinote, Sheriff of Santa Rosa County, Florida, in the performance of his legal duties in violation of Florida Statute 839.11, and

WHEREAS, the above Indictment, if true, reflects misfeasance, malfeasance and incompetency in office, and

WHEREAS, Leroy Johnson, acting in his official capacity as County Commissioner in and for Santa Rosa County, Florida, is held to a high standard of moral and legal conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, as a result of the Indictment of the Grand Jury, doubt has been raised as to the integrity and ability of Leroy Johnson to continue to perform his duties as County Commissioner of Santa Rosa County, Florida, so long as the above charges are pending, and

WHEREAS, I find that the interest of the citizens of Santa Rosa County, Florida, would best be served by this executive act;

NOW, THEREFORE, I, Reubin O'D. Askew, Governor of the State of Florida, by virtue of the power and authority vested in me by Article IV, Section 7 of the Constitution of Florida, do hereby suspend the said Leroy Johnson, on the grounds of misfeasance, malfeasance and neglect of duty in office in that he attempted to use his office as County Commissioner of Santa Rosa County, Florida, to unlawfully and improperly influence the Sheriff of Santa Rosa County, Florida, to discharge a criminal case then pending against one Earl Johnson, said charge being public drunkenness, contrary to the laws of the State of Florida, and, because of such, it would be improper for the said Leroy Johnson to continue to perform the responsibilities of his office while such charges are pending against him. Therefore, the said Leroy Johnson is hereby prohibited from performing the duties or exercising the Office of County Commissioner of Santa Rosa County, Florida, during the period of suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 20th day of January, 1971.

REUBIN O'D. ASKEW
Governor

ATTEST:

RICHARD (DICK) STONE
Secretary of State

REGISTERED—RETURN RECEIPT REQUESTED

With kind regards, I remain

Honorable Leroy Johnson
Route 5, Box 253-K
Milton, Florida

March 12, 1971

Dear Mr. Johnson:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Executive Order dated March 12, 1971.

With kind regards, I remain

Sincerely,
RICHARD (DICK) STONE
Secretary of State
By
(Mrs.) Dorothy W. Glisson
Director
Division of Elections

DG/pc
Enclosure

cc: Honorable Robert L. Shevin
Attorney General
Honorable Elmer O. Friday, Jr.
Secretary of the Senate

EXECUTIVE ORDER

WHEREAS, on January 20, 1971, an Executive Order was issued suspending Leroy Johnson as a County Commissioner of Santa Rosa County, based upon an Indictment returned against him charging him with malfeasance in office in that he corruptly attempted to influence Leon Hinote, Sheriff of Santa Rosa County, Florida, in the performance of his legal duties in violation of Florida Statute 839.11, and

WHEREAS, the said Leroy Johnson has been found and adjudged "not guilty" of said charge by final order or judgment of the County Judge's Court in and for Santa Rosa County, Florida, dated the 8th day of March, 1971;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, by virtue of the power and authority vested in me by the Constitution and laws of the State of Florida, in view of the final action taken by the County Judge's Court of Santa Rosa County, do hereby revoke the Executive Order of January 20, 1971, and restore the said Leroy Johnson to his former office, to-wit: Member, Board of County Commissioners, District No. 1, Santa Rosa County.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 12th day of March, 1971.

REUBIN O'D. ASKEW
Governor

ATTEST:

RICHARD (DICK) STONE
Secretary of State

REGISTERED—RETURN RECEIPT REQUESTED

October 23, 1970

Mrs. Beth Varn McCoy
2285 Eastside Avenue
Brooksville, Florida

Dear Mrs. McCoy:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail Amended Order of Suspension dated October 23, 1970.

DG/pc
Enclosure
cc: Honorable Earl Faircloth
Attorney General
Honorable Edwin G. Fraser
Secretary of the Senate

AMENDED ORDER OF SUSPENSION

WHEREAS, on December 11, 1969, an Executive Order was issued, suspending Beth Varn McCoy as Clerk of the Circuit Court of Hernando County, Florida, and

WHEREAS, on October 21, 1970, a pretrial hearing was held before the Senate Select Committee on Suspensions at which time a request for more definite information was made regarding the grounds of suspension set forth in said Executive Order:

NOW, THEREFORE, I, Claude R. Kirk, Jr., Governor of the State of Florida, by virtue of the power and authority vested in me, do hereby amend the Executive Order of December 11, 1969, as follows:

"WHEREAS, evidence has been presented to me reflecting shortages of public funds entrusted to the custody of the said Beth Varn McCoy as set forth in the Legislative Audit reports dated March 12, 1969 and August 18, 1970 and as otherwise indicated from an examination of applicable records; falsification of a record of the Circuit Court of Hernando County, Florida; failure to maintain adequate management and internal controls of cash and other valuable public property entrusted to the custody of the said Beth Varn McCoy; purchases of equipment in violation of a law; and

WHEREAS, I find that all of the foregoing constitutes malfeasance, misfeasance, neglect of duty, incompetency in office and inability to perform assigned duties within the meaning of the Constitution of the State of Florida, and

WHEREAS, I find that the interests of the citizens of Hernando County would best be served by amending the Executive Order of Suspension dated December 11, 1969

NOW, THEREFORE, by virtue of the power and authority vested in me as stated above, I do hereby suspend the said Beth Varn McCoy as Clerk of the Circuit Court of Hernando County, on the grounds of misfeasance, malfeasance, neglect of duty, incompetency in office and inability to perform assigned duties within the meaning of the Constitution of the State of Florida as reflected by the foregoing evidence and information and because of such, it would be improper for her to continue in the Office of Clerk of the Circuit Court of Hernando County."

In addition to those grounds set forth in the said Order of December 11, 1969 and in furtherance thereof, the matters hereinabove set forth are incorporated into the Order of December 11, 1969 or, alternatively, the matters set forth in said Order are reaffirmed herein.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 23 day of October, 1970.

CLAUDE R. KIRK, JR.
Governor

ATTEST:

TOM ADAMS
Secretary of State

REGISTERED—RETURN RECEIPT REQUESTED

March 2, 1971

Honorable J. W. Pridgeon
Post Office Box 91
Mayo, Florida

Dear Mr. Pridgeon:

Pursuant to the provisions of Chapters 69-277, Laws of Florida, we are sending you by registred mail, Order of Suspension dated March 2, 1971.

With kind regards, I remain

Sincerely,
RICHARD (DICK) STONE
Secretary of State
By
(Mrs.) Dorothy W. Glisson
Director
Division of Elections

DG/pc
Enclosure
cc: Honorable Robert L. Shevin
Attorney General
Honorable Elmer O. Friday, Jr.
Secretary of the Senate

ORDER OF SUSPENSION

WHEREAS, J. W. Pridgeon is presently serving as Sheriff of Lafayette County, Florida, and

WHEREAS, information has been presented to me and I find that the said J. W. Pridgeon has been charged with violation of Title 18, U. S. Code, Section 2313, in that he is charged with receiving, concealing and disposing of vehicles which were a part of interstate commerce, and

WHEREAS, I have been further advised that information will be presented to a duly constituted grand jury which may result in the filing of an Indictment against the said J. W. Pridgeon, and

WHEREAS, as a result of the foregoing information, I find that the facts upon which the charges have been made and the Information will be filed sufficiently reflect malfeasance, misfeasance, neglect of duty and incompetency in office, and

WHEREAS, I find that the interest of the citizens of the County of Lafayette would best be served by this executive act;

NOW, THEREFORE, I, Reubin O'D. Askew, Governor of the State of Florida, by virtue of the power and authority vested in me by Section 7, Article IV of the Constitution of Florida, do hereby suspend the said J. W. Pridgeon as Sheriff of Lafayette County, on the grounds of malfeasance, misfeasance, neglect of duty and incompetency in office as reflected by the information presented to me, and specifically set forth in the preamble hereto, and because of such, it would be improper for the said J. W. Pridgeon to continue to perform the responsibilities of his office. Therefore, the said J. W. Pridgeon is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 2nd day of March, 1971.

REUBIN O'D. ASKEW
Governor

ATTEST:

RICHARD (DICK) STONE
Secretary of State

REGISTERED—RETURN RECEIPT REQUESTED

March 26, 1971

Mr. Lester C. Walker
Post Office Box 351
Perry, Florida

Dear Mr. Walker:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated March 26, 1971.

With kind regards, I remain

Sincerely,
RICHARD (DICK) STONE
Secretary of State
By
(Mrs.) Dorothy W. Glisson
Director
Division of Elections

DG/pc
Enclosure
cc: Honorable Robert L. Shevin
Attorney General
Honorable Elmer O. Friday, Jr.
Secretary of the Senate

EXECUTIVE ORDER NUMBER 71-15

ORDER OF SUSPENSION

WHEREAS, Lester C. Walker is presently serving on the Taylor County Hospital Board, and

WHEREAS, information has been presented to me and I find that the said Lester C. Walker has been charged with violation of Title 18, U.S. Code, Section 2313, in that he is charged with receiving, concealing and disposing of stolen motor vehicles which were a part of interstate commerce, and

WHEREAS, I have been further advised that information will be presented to a duly constituted federal grand jury which may return an Indictment against the said Lester C. Walker, and

WHEREAS, as a result of the foregoing information, I find that the facts upon which the charges have been made and the Information will be filed sufficiently reflect malfeasance, misfeasance, neglect of duty and commission of a felony, and

WHEREAS, I find that the interest of the citizens of the County of Taylor would best be served by this Executive Order;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, Governor of the State of Florida, by virtue of the power and authority vested in me by the Constitution of Florida, specifically Section 7, Article IV, do hereby suspend the said Lester C. Walker as a member of the Taylor County Hospital Board, on the grounds of malfeasance, misfeasance, neglect of duty and commission of a felony as reflected by the information presented to me, and specifically set forth in the preamble hereto, and because of such, it would be improper for the said Lester C. Walker to continue to perform the duties and responsibilities of his office. Therefore, the said Lester C. Walker is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 26th day of March, 1971.

REUBIN O'D. ASKEW
Governor

ATTEST:

RICHARD (DICK) STONE
Secretary of State

Which were referred to the Select Committee on Executive Suspensions.

Senator Karl announced that on Tuesday, April 27, the Select Committee on Executive Suspensions would present for the consideration of the Senate Reports in the matter of the Executive Suspensions of James H. Boyd, Leroy Johnson and Beth Varn McCoy.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

April 15, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Turlington (by request)—

HB 627—A bill to be entitled An act relating to tax on sales, admissions, use, storage, consumption, or rentals levied pursuant to chapter 212, Florida Statutes; amending §212.08(3)(a), Florida Statutes, 1970 Supplement, to eliminate partial exemption from tax on motor vehicles and equipment used by commercial fisheries; repealing sections 212.02 (h)(1) and 212.031 (1)(a)(1) to remove the exemption of agricultural property from sales, lease and rental taxes; amending §212.08(3)(b), Florida Statutes, by increasing from three percent (3%) to four percent (4%) the value of leased motor vehicles at which the exemption shall commence; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 627, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

The Honorable Jerry Thomas
President of the Senate

April 15, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Judiciary and Representative Redman and others—

HB 813—A bill to be entitled An act relating to vital statistics; amending §382.35(5), Florida Statutes; providing that copies of marriage, divorce or death records shall be furnished by the state registrar to all persons requesting them; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 813, contained in the above message, was read the first time by title. On motion by Senator Myers, the rules were waived and the bill was placed on the Calendar.

The Honorable Jerry Thomas
President of the Senate

April 15, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Business Regulation—

HB 668—A bill to be entitled An act relating to hotels and restaurants; amending §§509.091, 509.211(6)(f) and (7), 509.221(3), 509.241(2)(a), (3) and (4), and 509.292; deleting obsolete references to the hotel commissioner and deputy hotel

commissioner; deleting obsolete reference to the code of national fire underwriters; providing for the use of green lights at fire escape openings; deleting obsolete screen requirements; deleting language relating to food service establishments; stating that licenses are not transferable from one place or individual to another; deleting the license application grace period; including misrepresentation of oleomargarine, fruit and fruit juice under existing penalty provision for misrepresenting seafood and seafood products; repealing §509.231 relating to notice for butter substitutes; and providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 668, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Jerry Thomas
President of the Senate

April 14, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Redman and others—

HB 355—A bill to be entitled An act relating to certain public officials and employees; providing that no official, member or employee of any governmental commission or department as defined in section 20.03, Florida Statutes, shall serve as campaign manager or treasurer for any candidate for political office, or solicit funds for any governmental funds by such an official, member or employee for any political purpose; providing that violators of the provisions of this act be dismissed from office; providing that this act does not apply to any elected public official; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 355, contained in the above message, was read the first time by title and referred to the Committee on Governmental Efficiency.

The Honorable Jerry Thomas
President of the Senate

April 15, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has adopted—

By Representative Cherry—

HM 621—A memorial to the Congress of the United States to urge the establishment of a department of early childhood development at the cabinet level and a national system for providing cross-cultural, participatory experiences for all children.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HM 621, contained in the above message, was read the first time in full and referred to the Committee on Judiciary—Civil B.

The Honorable Jerry Thomas
President of the Senate

April 15, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has adopted—

By Representative J. W. Robinson and others—

HM 780—A Memorial to the Congress of the United States to request that Kennedy Space Center be the site for construction of the space shuttle.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HM 780, contained in the above message, was read the first time in full and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Honorable Jerry Thomas
President of the Senate

April 19, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has adopted—

By Representative Elmore—

HCR 59—A concurrent resolution naming the new state bridge at Rocky Bayou in Okaloosa County the C. G. Meigs Bridge.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 59, contained in the above message, was read the first time in full and referred to the Committee on Governmental Efficiency.

The Honorable Jerry Thomas
President of the Senate

April 19, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Agriculture & Citrus and Representative Tillman—

HB 798—A bill to be entitled An act relating to poultry; providing definitions; requiring poultry producers, egg producers, and poultry hatcheries to provide for the sanitary disposal of dead birds and hatchery residue; prescribing powers and duties of the department of agriculture and consumer services; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 798, contained in the above message, was read the first time by title and referred to the Committee on Agriculture.

On motion by Senator Bishop, the rules were waived and the Senate reverted to the order of—

MOTIONS RELATING TO COMMITTEE REFERENCE

A motion by Senator Bishop that HB 627 be also referred to the Committee on Agriculture failed.

Pursuant to Rule 4.14, Senator Henderson gave notice of intention to move to take up SB 20 out of order.

On motion by Senator Weissenborn, by two-thirds vote, SB 751 was withdrawn from the Committee on Commerce and from further consideration of the Senate.

RESOLUTIONS

Consideration of SCR 334 was deferred, the bill retaining its place on the Calendar.

SCR 326—A concurrent resolution creating a joint interim committee to conduct a full scale investigation and review of the activities of those state agencies charged with water resource management and to study and develop possible legislation redesigning, restructuring and redirecting such agencies in conformity with the environmental protection intent expressed in federal and state law, and authorizing the making of findings of fact, reports and recommendations.

—was taken up, having been amended and temporarily deferred on April 15.

On motion by Senator Boyd the following amendment was adopted:

Line 20, page 2, strike all after word "committee" and insert the following: may utilize the staff and experts of the Legislative Service Bureau or may employ or retain a staff and experts upon approval of the Senate Rules, Calendar, Privileged Business and Ethics Committee and the appropriate House committee

On motion by Senator Saylor, SCR 326 as further amended was read in full as follows:

SCR 326—A concurrent resolution creating a joint interim committee to conduct a full scale investigation and review of the activities of those state agencies charged with water resource management and to study and develop possible legislation redesigning, restructuring and redirecting such agencies in conformity with the environmental protection intent expressed in federal and state law, and authorizing the making of findings of fact, reports and recommendations.

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That a joint interim committee of eight (8) members, four (4) of whom shall be forthwith appointed by the President of the Senate from among the members of that body, and four (4) of whom shall forthwith be appointed by the Speaker of the House from among the members of that body, is hereby created to conduct a full scale investigation and review of the activities of those agencies now charged with water resource management and to hold necessary public hearings.

BE IT FURTHER RESOLVED that such investigation and review include past, present and future water management projects and practices.

BE IT FURTHER RESOLVED that such committee study and develop possible legislation redesigning, restructuring and redirecting such agencies in conformity with environmental protection intent expressed in federal and state law to provide new objectives and systems of management that will insure the citizens of Florida a stable and healthful water resource.

BE IT FURTHER RESOLVED that such committee make an interim report of its findings to the 1972 legislature thirty (30) days prior to the commencement of the 1972 legislature and a final report of its findings to the 1973 legislature thirty (30) days prior to the commencement of the 1973 legislature, together with its recommendations as to what legislation in the field of water resource management is in the best interest of the people of the State of Florida and, if appropriate, its recommendations as to specific legislation.

BE IT FURTHER RESOLVED that the committee shall elect its chairman and vice-chairman from among its members; that the committee may meet at least once a month between the adoption of this resolution and the time of the next regular legislative session; and that the committee may utilize the staff and experts of the Legislative Service Bureau or may employ or retain a staff and experts upon approval of the Senate Rules, Calendar, Privileged Business and Ethics Committee and the appropriate House committee.

BE IT FURTHER RESOLVED that other legislative committees shall not duplicate this study.

—adopted and ordered engrossed. The vote was:

Yeas—38

Mr. President	Ducker	Knopke	Saunders
Barrow	Fincher	Lane	Saylor
Beaufort	Gong	Lewis (33rd)	Scarborough
Bell	Graham	Lewis (43rd)	Stolzenburg
Boyd	Haverfield	McClain	Trask
Brantley	Henderson	Myers	Ware
Broxson	Hollahan	Ott	Weissenborn
Childers	Johnson (29th)	Plante	Williams
Daniel	Johnson (34th)	Poston	
Deeb	Karl	Reuter	

Nays—3

Bishop	de la Parte	Wilson
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By unanimous consent Senator Gunter was recorded as voting yea.

SCR 558 was taken up, together with:

By the Committee on Judiciary—Civil A—

CS for SCR 558—Senate Concurrent Resolution memorializing the President of the United States requesting clemency for Lieutenant William L. Calley.

—which was read the first time by title and SCR 558 was laid on the table.

Senator Plante moved that consideration of CS for SCR 558 be temporarily deferred until final disposition of all legal proceedings in Lt. Calley's case.

On motion by Senator McClain, CS for SCR 558 was read in full as follows:

CS for SCR 558—Senate Concurrent Resolution memorializing the President of the United States requesting clemency for Lieutenant William L. Calley.

WHEREAS, The United States of America has been engaged, for many years, in armed conflict in South East Asia, and

WHEREAS, the war in South East Asia has over the years claimed the lives of thousands of American young men, and

WHEREAS, millions of Americans seriously question the advisability of continuing this war which we have been unable to win either because of military policy or for other reasons not clearly understood by the American people, and

WHEREAS, the war in South East Asia is fought under the most complex, confusing, frustrating and difficult circumstances in that it is impossible for the American troops in many instances to distinguish friend from foe as the enemy often times is not distinguishable by uniform, sex or age, and

WHEREAS, the conventional rules of warfare have been generally disregarded throughout this tragic struggle to maintain South Viet Nam's independence, and our beleaguered troops have been unjustly provoked by civilian partisans, female and juvenile, who have repeatedly abandoned their traditional, non-combatant role to assist the enemy to ambush and assassinate their would-be benefactors, and

WHEREAS, often times there are no clearly defined battle lines and our forces are frequently in grave danger because of the guerilla-type warfare in which they are engaged and in which there is considerable infiltration of the enemy from within to the extent that on numerous occasions the enemy has presented itself in the nature of women and children as well as the regular military uniform of the enemy, and

WHEREAS, Lieutenant William L. Calley was ordered to lead his men into combat under the above described circumstances, and

WHEREAS, a military jury has sentenced Lieutenant William L. Calley to life imprisonment at hard labor because of actions committed by him in the South East Asian war, and

WHEREAS, it is difficult from the standpoint of justice and moral ethics to separate the actions of Lieutenant William L. Calley from the actions of others engaged in the war and in fact from the policy of commanders of the war, and

WHEREAS, the conviction of Lieutenant William L. Calley has caused grave concern to a large segment of the American people in that they feel it would be a grave injustice to single out one man to punish for the inevitable atrocities of the above described war, and

NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the President of these United States of America is requested to make a full and careful deliberation of the Lieutenant William L. Calley matter, weighing the sentiments of millions of the people of the United States, assessing full well the incident's chaotic effect on the armed services and former service men of this great country together with the damage which may be done to the defense of our land and its moral fiber, and will grant Lieutenant William L. Calley executive clemency in such manner as the President deems proper under the circumstances.

On motion by Senator Hollahan, time of adjournment was extended until final action on CS for SCR 558.

The question recurred on the motion by Senator Plante which was adopted by the following vote:

Yeas—26

Mr. President	Gunter	Myers	Scarborough
Bell	Haverfield	Ott	Stolzenburg
Broxson	Henderson	Plante	Trask
de la Parte	Karl	Poston	Weissenborn
Fincher	Knopke	Reuter	Williams
Gong	Lewis (33rd)	Saunders	
Graham	Lewis (43rd)	Saylor	

Nays—19

Arnold	Boyd	Ducker	McClain
Barron	Brantley	Hollahan	Pope
Barrow	Childers	Johnson (29th)	Ware
Beaufort	Daniel	Johnson (34th)	Wilson
Bishop	Deeb	Lane	

By unanimous consent Senator Scarborough changed his vote from yea to nay.

Senator de la Parte advised the Chair that the point of order raised by Senator Pope on SB 757 had merit in that the bill does affect the general revenue fund of Florida. The President ruled the point well taken and SB 757 was also referred to the Committee on Ways and Means.

Senator Poston moved that the Senate revert to the order of Motions relating to Committee Reference. Permission was not granted.

CO-INTRODUCERS

By permission, Senator Weissenborn was recorded as a co-introducer of Senate Bills 121, 221, 441 and 672.

By permission, Senator Reuter was recorded as a co-introducer of SB 713.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:38 p.m. to reconvene at 8:30 a.m., April 21, 1971.